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REMARKS

Claims 18 and 33 have been amended. Claims 1-17 and 32 have been canceled.

The Examiner rejected claims 1, 3-6, and 8-17 under 35 U.S.C. § 102 (b) as being anticipated by the Batawi patent (U.S. Patent No. 5,902,692). The Examiner has further rejected applicants' claim 7 under 35 USC 103(a) also based on the Batawi patent. Claims 1 and 3-17 have been canceled, thereby obviating these rejections.

The Examiner has further rejected applicants' claims 18-37 under 35 USC 103(a) based on the Nickols patent (US Patent No. 4,609,595) taken in view of the Louis patent (US Patent No. 4,604,331) and the Pare patent (US 3,826,583). With respect to applicants' claims, as amended, these rejections are respectfully traversed.

Applicants' independent claim 18 has been amended to better define applicants' invention. In particular, claim 18 now recites a fuel cell comprising a compliant member "abutting said current collector over a region of said current collector extending into said wet seal area, said compliant member comprising a planar body member, wherein sections cut out of the planar body member at locations within the periphery of said planar body member extend outwardly of the plane of the planar body member, said sections of said planar body member imparting compliance to said compliant member, and wherein said planar body member is dimensioned such that the periphery of said planar body member is within said wet seal area; and further wherein said sections are arranged in a plurality of rows which are spaced along the width of said planar body member and each of which extends along the length of said planar body member and includes a plurality of spaced sections."

Applicants' compliant member thus is now not only defined as having a planar body member dimensioned such that the periphery of the planar body member is within the wet seal

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area and as having sections cut out from the planar body member at locations within the periphery of the planar body member and extending outwardly of the plane of the planar body member, but also as having such sections arranged in a plurality of rows which are spaced along the width of the planar body member and each of which extends along the length of the planar body member and includes a plurality of spaced sections. This configuration for the sections is shown in FIGS. 3 and 6A and 6B and imparts a more uniform compliance over the width and length of the wet seal area. Such a construction is not taught or suggested by the cited art of record.

The Examiner has acknowledged that while the Nickols patent discloses the use of a compliant member formed of spring sheets in the wet seal area of a fuel cell "Nickols does not teach the use of a cantilevered spring in the wet seal area." The Examiner has also acknowledged that the Louis patent, while likewise using a compliant member in the wet seal area of a fuel cell, forms the compliant member as a "hat shaped spring" and not a cantilevered spring.

Since both the Nickols and Louis patents fail to teach or suggest applicants' invention, the Examiner next cites the Pare patent and argues that the Nickols and Louis patents can be viewed in light of the Pare patent to result in applicants' invention. In particular, the Examiner states as follows:

"Pare teaches different compliant member spring configurations that function equivalently (Figs 1-9). The compliant member is formed by multiple independent springs that when fully compressed lie with in the planar body. The compliant member of figure 6 is a hat shaped spring similar to the one used by Louis and the figures 1 & 2 show cantilever type springs. So the cantilever spring is an equivalent spring to the hat spring of Louis. Since the hat spring of Louis is shown to be a functional equivalent structure, solving the same problem and located in the same area, as the instant application, it would be obvious to one skilled in the art to substitute

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a cantilever spring for the spring sheets of Nickols.”

The Examiner’s argument, however, completely disregards the fact that the Pare patent has nothing to do with fuel cells, as do the Nickols and Louis patents, let alone that it has nothing to do with the problem in such cells of compensating for the loss of electrical contact due to electrode shrinkage. In fact, the Pare patent deals with “an expansion joint displaying a particular utility for roadbeds” and the invention of the Pare patent “displays utility wherever it is desired to form a seal between the edges of spaced panel or modular sections, where the sections are subject to relative motion to thereby vary the spacing between the edges of adjacent panels or sections.”

The Pare patent, therefore, is not in the same field of endeavor as the Nickols and Louis patents, nor is it reasonably pertinent to the particular problem being solved in those patents and the subject application. Accordingly, the Pare patent clearly constitutes non-analogous art and would not be looked to by the man of skill in the art trying to solve the problem in the subject application. Since the Pare patent is not properly citable and/or combinable with the Louis and Nickols patents and the latter two patents fails to teach or suggest a cantilever spring arrangement in the wet seal area of a fuel cell, the Examiner’s rejection is not sustainable and should be withdrawn.

Applicants further note that the spring construction in FIG. 6 of the Pare patent mentioned by the Examiner has a central flat plate to whose opposite sides are attached spring pieces. It, therefore, is clearly not similar to the simple hat shaped spring used in the Louis patent.

Moreover, neither the Louis, Nickols nor Pare patents discloses a fuel cell having a compliant member with a planar body member dimensioned such that the periphery of the

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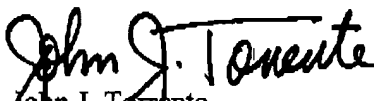
planar body member is within the wet seal area of the fuel and having sections cut out from the planar body member at locations within the periphery of the planar body member and extending outwardly of the plane of the planar body member, and wherein such sections are arranged in a plurality of rows which are spaced along the width of the planar body member and each of which extends along the length of the planar body member and includes a plurality of spaced sections. None of the patents teach or suggest cantilever spring sections arranged in a plurality of rows within the periphery of a planar body. Thus, applicants' amended claim 18, and its respective dependent claims, all of which recite such features, patentably distinguish over the cited patents.

In view of the above, it is submitted that applicants' claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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Respectfully submitted,

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